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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,798	08/02/2000	Koji Hatanaka	35.G2637	7871

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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TODD, GREGORY G

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/630,798

Applicant(s)

HATANAKA, KOJI

Examiner

Gregory G. Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08).         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to applicant's amendment filed 27 December 2006, filed subsequently to applicant's amendment requesting suspension of action and request for continued examination filed, 01 November 2006, of application filed, with the above serial number, on 02 August 2000 in which claims 30, 37, and 44 have been amended. Claims 30-68 are therefore pending in the application.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley (hereinafter "Pavley", 6,445,460) in view of Niikawa (hereinafter "Niikawa", 6,668,134).

Pavley teaches the invention, substantially, as claimed including image transferring according to transfer history (see abstract).

As per Claim 30, Pavley teaches an image transferring apparatus, comprising:  
a storage unit, adapted to store image data (memory) (at least col. 2, lines 34-46);

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a display unit, adapted to display a screen (at least Fig. 1; LCD screen; col. 6, lines 10-23);

an image data transfer instruction unit, adapted to enable a user to enter an instruction to transfer the image data (at least col. 5, lines 45-60; col. 6, lines 10-24); and

a transfer control unit, adapted to perform control to transfer the image data, in response to an instruction to transfer entered by the user with said image data transfer instruction unit, and to judge a selection selected from the screen displayed by said display unit (auto image transfer according to archive attribute) (at least col. 6, lines 3-24).

Pavley fails to explicitly teach offering the user control over transferring either (1) only any image not previously transferred or (2) all images stored in the storage medium, and (3) the image data transfer instruction unit being a button for instructing the image data transfer. However, the use and advantages for using such image transfer control is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Niikawa. Niikawa teaches an image capturing device (such as a digital camera, see Fig. 9(a) - (21)) having *buttons* and a control wheel for manually selecting images to be transferred, wherein history information (see col. 15 line 36 - col. 19 line 40) for a particular image is stored (see col. 13 line 14 - col. 14 line 22) and the user can select to transfer images, including the option of all images and those already having been transferred not being transferred. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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incorporate the use of Niikawa's manual-driven image transfer setup into Pavley's system as this would enhance Pavley's system to allow faster file transfers as images already transferred or archived would not be unnecessarily transferred again, thereby reducing duplicate files and wasted time and confusion on behalf of the consumer. Also, Pavley teaches buttons such as programmable soft keys (416, see Fig. 2A), and in combination with Niikawa, would be obvious that the soft key buttons of Pavley represent the transfer image (see Niikawa Fig. 12, step D3) button Niikawa teaches.

As per Claim 31, Pavley teaches the image transferring apparatus according to claim 30, wherein said display unit comprises a liquid crystal display screen (at least Fig. 1; LCD screen).

As per Claim 32, teaches the image transferring apparatus according to claim 30, wherein said image data transfer instruction unit is a button provided separately from said display unit (at least Niikawa Fig. 9(a) ref#21; Fig. 12; buttons and dials; and Pavley Fig. 2).

As per Claim 33, while Pavley fails to explicitly teach the image transferring apparatus according to claim 30, further comprising a notification unit, adapted to notify, after completion of image data transfer, of the completion, Pavley does teach rule sets occurring in the background as preferably setup by a user (at least col. 5 line 61 - col. 6 line 9), thus implying a user could set up rules so as to have interaction with the user and notify them of events such as an image being removed since it is already archived. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

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invention was made to incorporate the use of user notifications as Pavley's system suggests this process could occur in the foreground.

As per Claim 34, Pavley teaches the image transferring apparatus according to claim 30, further comprising a message notification unit, adapted to attach a message notification to the image data to make reference to the transfer history information, and an instruction to delete image data that has not been previously transferred (archive file attribute indicating file deletion status) (at least col. 5 line 30 - col. 6 line 23).

As per Claim 35, Pavley teaches the image transferring apparatus according to claim 30, wherein said display unit identifiably displays reduced image data corresponding to the transferred image data based on the transfer history information (reduced resolution images, ie. scrennail, thumbnail; at least col. 4, lines 7-19, 44-56).

As per Claim 36, Pavley teaches an image transferring apparatus, comprising:  
a storage unit, adapted to store image data (memory) (at least col. 2, lines 34-46);

a transfer unit, adapted to transfer image data stored in said storage unit (at least col. 5, lines 45-60; col. 6, lines 10-24);

a changing unit, adapted to change transfer history information to a transferred status in the event that the transfer history information of the image data previously transferred by said transfer unit indicates that the image has not been transferred (auto image transfer according to archive attribute and marking image as archived) (at least col. 6, lines 3-24).

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Pavley fails to *explicitly* teach said image data transfer instruction unit being a button for instructing the image data transfer. However, the use and advantages for using such image transfer control is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Niikawa. Niikawa teaches an image capturing device (such as a digital camera, see Fig. 9(a) - (21)) having buttons and a control wheel for manually selecting images to be transferred, wherein history information (see col. 15 line 36 - col. 19 line 40) for a particular image is stored (see col. 13 line 14 - col. 14 line 22) and the user can select to transfer images, including the option of all images and those already having been transferred not being transferred. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Niikawa's manual-driven image transfer via a button into Pavley's system as this would enhance Pavley's system to allow a user to select only images needing transfer, thus allowing faster file transfers as images already transferred or archived would not be unnecessarily transferred again, thereby reducing duplicate files and wasted time and confusion on behalf of the consumer.

Claims 37-50 do not add or define any additional limitations over claims 30-36 and therefore are rejected for similar reasons.

As per Claim 51, Pavley teaches an image processing apparatus, comprising:  
a capturing unit adapted to capture a plurality of bodies of reduced image data, each corresponding to a respective image, from a storage medium of at least one external device (reduced resolution images, ie. scrennail, thumbnail; at least col. 4, lines 7-19, 44-56);

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a display control unit, adapted to perform control so as to display the reduced image data captured by said capturing unit (displaying thumbnails) (at least col. 4, lines 7-56); and

a screen display control unit, adapted to perform control so as to display a screen to enable a user to select between (1) selecting only image data stored in the storage medium which has not previously been transferred and (2) selecting all image data stored in the storage medium (selecting images from thumbnails in association with attributes such as archival attribute for synchronization) (at least col. 4, lines 7-56; col. 5, lines 30-49);

wherein the screen display control unit is adapted to control so as to display, selectively, in response to selection made by the user with said screen display control unit, either (1) only any image not previously transferred or (2) all images stored in the storage medium (auto image transfer according to archive attribute and marking image as archived) (at least col. 6, lines 3-24).

Pavley fails to explicitly teach offering the user control over transferring either (1) only any image not previously transferred or (2) all images stored in the storage medium. However, the use and advantages for using such image transfer control is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Niikawa. Niikawa teaches an image capturing device (such as a digital camera, see Fig. 9(a) - (21)) having buttons and a control wheel for manually selecting images to be transferred, wherein history information (see col. 15 line 36 - col. 19 line 40) for a particular image is stored (see col. 13 line 14 - col. 14 line 22) and the user can



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select to transfer images, including the option of all images and those already having been transferred not being transferred. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Niikawa's manual-driven image transfer setup into Pavley's system as this would enhance Pavley's system to allow faster file transfers as images already transferred or archived would not be unnecessarily transferred again, thereby reducing duplicate files and wasted time and confusion on behalf of the consumer.

As per Claim 52, Pavley teaches the image processing apparatus according to claim 51, wherein said capturing unit captures transfer history information on the image data (archive attribute) (at least col. 5, lines 30-45).

As per Claim 53, Pavley teaches the image processing apparatus according to claim 52, wherein said display control unit performs control so as to display identifiably the reduced image data corresponding to the transferred image data based on the transfer history information (reduced resolution images , ie. scrennail, thumbnail; at least col. 4, lines 7-19, 44-56).

As per Claim 54, Pavley teaches the image processing apparatus according to claim 51, wherein the screen displayed by said screen display control unit includes a screen which allows a user to select arbitrary image data (at least Fig. 1; col. 4, lines 7-47).

As per Claim 55, Pavley teaches the image processing apparatus according to claim 52, further comprising a message notification unit, adapted to notify the user by means of a warning message in the event that the transfer history information is

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referred to, and an instruction to delete the image data not previously transferred is made (archive file attribute indicating file deletion status) (at least col. 5 line 30 - col. 6 line 23).

As per Claim 56, Pavley teaches the image processing apparatus according to claim 52, wherein said display control unit changes an order of the reduced image data display based on the transfer history information (chronological display of thumbnail images) (at least col. 4, lines 7-47).

Claims 57-68 do not add or define any additional limitations over claims 51-56 and therefore are rejected for similar reasons.

### ***Response to Arguments***

4. Applicant's arguments filed 27 December 2006 have been fully considered but they are not persuasive.

Examiner relies on Niikawa as teaching transferring only image data stored in said storage unit which has not been previously transferred- as Niikawa teaches an image capturing device (such as a digital camera, see Fig. 9(a) - (21)) having buttons and a control wheel for manually selecting images to be transferred, wherein history information (see col. 15 line 36 - col. 19 line 40) for a particular image is stored (see col. 13 line 14 - col. 14 line 22) and the user can select to transfer images, including the option of all images and those already having been transferred not being transferred. Niikawa further teaches the history data, similarly to Pavley, being used to determine whether the image data has been previously transferred, and if so, alerting the user

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accordingly (col. 9, lines 19-38). Thus, the archiving or history information of the image files is used for helping the user in image processing determinations to prevent unnecessary deletions and duplicates of images.

Applicant argues neither Pavley, nor Niikawa, teach a display unit enabling a user to select between two options being separate from an image data transfer instruction unit for enabling a user to enter an instruction to transfer image data. Examiner fails to see how the two are separate, as the display unit and image data transfer instruction unit are, in fact, related as the user is presented two options on the screen (display unit limitation), and chooses (instructs) a single one of the two options as their choice (image data transfer instruction unit limitation). Further, the most recent claim amendment deleted the text of "which is a button for instructing the image data transfer" from "an image data transfer instruction unit, which is a button for instructing the image data transfer", thus the deleted text further showing the instruction as being the user choosing the option via a button, thus, while being different steps, not being separate. Further, Pavley teaches buttons such as programmable soft keys (416, see Fig. 2A), and in combination with Niikawa, would be obvious that the soft key buttons of Pavley represent the transfer image (see Niikawa Fig. 12, step D3) button Niikawa teaches.

Applicant further argues neither Pavley, nor Niikawa, teach a transfer control unit for transferring image data based on history information. However, Pavley teaches precisely this as Pavley teaches transferring image data according to an archive file attribute.

Applicant further argues it would not be obvious to combine Pavley with Niikawa as Pavley's system is automatic, while Niikawa is not. In response, both Pavley and Niikawa teach methods of transferring images with some sort of image history associated with each image. While, Examiner admits, Pavley does teach a more automated system, as does the current invention, even the excerpt Applicant provides in col. 2, lines 14-17, the intention is to provide "more automatic handling" of images, thus not completely automatic, but rather a more automatic system. Pavley also states "Archive file attributes designate image files that have undergone a backup procedure and can be safely deleted", thus they are not automatically deleted, rather they can be deleted at another time Pavley goes on in the rest of the description (for example, col. 4, lines 7-10) about the user manually controlling the camera. Further, Niikawa is used to simply explicitly teach allowing a user to designate transferring all the images (see col. 13, lines 25-34), (and also teaches not all the images being transferred, see col. 14, lines 1-12), and thus Niikawa teaches a fairly automatic system for transferring images- the addition of a *single* step to select whether to transfer all images or only a portion does not make the system a user-intensive manual operation; rather Niikawa is still automatic as the user does not have to, for example, select each and every image. Thus, Applicants arguments that these two references would not be inclined to be used together is not persuasive, as both Pavley and Niikawa teach semi-automatic image transfers requiring little user interaction.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Previously cited Morag et al, Miller et al, Otani et al, Dow, Peairs et al, Manolis et al, Anderson et al, Dwyer et al, Dow et al, Shiota et al, Loui et al, Kunishige and Fichtner are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd 

Patent Examiner

Technology Center 2100

  
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